

HISTORIC BEGINNINGS • 1847

# **Farmington City Planning Commission**

August 8, 2019



## FARMINGTON CITY

H. JAMES TALBOT

BRETT ANDERSON
DOUG ANDERSON
ALEX LEEMAN
CORY RITZ
REBECCA WAYMENT
CITY COUNCIL

SHANE PACE

# AGENDA PLANNING COMMISSION MEETING August 8th, 2019

Public Meeting at the Farmington City Hall, 160 S. Main Street, Farmington, Utah Study Session: 6:30 p.m. – Conference Room 3 (2nd Floor)

Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Planning Department prior to noon the day before the meeting.)

- 7:00 1. Minutes
  - 2. City Council Report

#### **CONDTIONAL USE PERMITS**

- 7:15 3. Scott Adamson (Public Hearing) Applicant is requesting conditional use and site plan approval for Ace Athletics Academy, a 20,400 square foot indoor tennis facility, at 874 S Shirley Rae Drive in an A (Agriculture) Zone. (C-6-19)
- 4. Michael Lawson (Agent) and property owners, Preston and Melissa Homer (Public Hearing)

   Applicant is requesting conditional use approval to deviate from the setback and fence standards set forth in 11-28-060 of the zoning ordinance, to construct a sports court, at 564
   South Daniel Drive (450 West) in the AE (Agriculture Estates) Zone. (C-10-19)

#### **OTHER**

- 7:40 5. Miscellaneous, correspondence, etc.
  - a. Other

Motion to Adjourn

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to take action on the item; OR 2. if the Planning Commission feels there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

Posted August 6, 2019	
	Meagan Booth City Planner

#### **DRAFT**

# FARMINGTON CITY PLANNING COMMISSION JULY 18, 2019

#### **STUDY SESSION**

PRESENT: Planning Commissioners Connie Deianni, Greg Wall, Amy Shumway, Roger Child, Russ Workman, Rulon Homer, Shawn Beus; Community Development Director David Petersen, Associate Planner Meagan Booth

Excused: Commissioner Russ Workman and Alternative Commissioner, Mike Plazier

#### **SUBDIVISION**

3. Todd Strong (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the Farmington Foothills Subdivision consisting of 7 lots on 3.82 acres of property located at approximately 1500 S 200 E in the LR (Large Residential) zone. (S-4-19).

The intention of the public hearing for this item is to get public opinion on the proposed road layout. This subdivision is in the foothill zone, which presents some steep topography that the DRC (Development Review Committee) has reviewed.

4. Andrew Hiller (Public Hearing) – Applicant is requesting a recommendation to rezone 5.18 acres of property from an A (Agriculture) to LR-F (Large Residential) zone, located at approximately 90 West 675 North. Additionally, the applicant is also requesting schematic subdivision plan and preliminary PUD master plan approval to develop 11 lots on the property. (Z-6-19 and S-6-19)

The proposed subdivision matches the character of the surrounding area. A PUD (Planned Unit Development) has been requested in order to preserve redwood trees and natural landscaping. A private street with no sidewalk has been proposed to effectively save many of the existing mature trees within the development.

5. Jerry Preston\Elite Craft Homes – Applicant is requesting Final Plat approval for the Creekside Manor Subdivision consisting of 8 lots on approximately 5.78 acres of property located at about 950 West 500 South in the AE (Agriculture Estates) zone. (S-23-18)

No comments were made.

#### **REGULAR SESSION**

PRESENT: Planning Commissioners Connie Deianni, Greg Wall, Amy Shumway, Roger Child, Russ Workman, Rulon Homer, Shawn Beus; Community Development Director David Petersen, Associate Planner Meagan Booth

Excused: Commissioner Russ Workman and Alternative Commissioner, Mike Plazier

**Connie Deianni** opened the meeting at 7:10 P.M.

#### Minutes:

**Roger Child** motioned to approve the minutes from the June 20<sup>th</sup> 2019 Planning Commission meeting, implementing the addition of excusing Commissioner Shawn Beus from the work and regular sessions. **Russ Workman** seconded the motion, which was approved unanimously.

#### **City Council Report:**

**David Petersen** reviewed the previous City Council meeting, where the Kambouris rezone was approved, giving the City until January 19, 2020 to come up with a moderate income housing option for the location.

The Flatrock Subdivision Schematic Plan was reviewed by the City Council. They have discussed this item several times due to issues pertaining to the proposed private park location, TDR's (Transfers of Development Rights), and power lines. A preliminary plat is to be brought to the Planning Commission soon with the requirements of the City Council met.

The City Council discussed the matter of the City purchasing the pink home in front of the Hampton Inn on Park Lane and their plans for the development of that area.

The conditional use for the medical expansion at the County jail was discussed by the City Council. It is a conditional use, so it will be brought to the Planning Commission within the next few meetings for discussion.

#### **SUBDIVISION**

3. Todd Strong (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the Farmington Foothills Subdivision consisting of 7 lots on 3.82 acres of property located at approximately 1500 S 200 E in the LR (Large Residential) zone. (S-4-19).

**Meagan Booth** presented the item. Staff recommends that the Planning Commission forward a positive recommendation to the City Council for approval.

Applicant **Todd Strong** 421 W 3950 S Pleasant View, Utah 84414 presented. He stated that to his knowledge, this application meets all codes but currently needs approval for the steep grade at some

points of the road within the subdivision. The subdivision has been decreased from 7 to 6 lots in order to preserve the existing ravine.

**Greg Wall** asked what the average lot size is. **Todd Strong** said the smallest lots are at least 14,000 square feet, but some are over ½ acre. The topography naturally created varying lot sizes in order to provide logical building space on each lot.

The Planning Commission discussed the hammerhead fire access as shown on the plans, which the applicant believes meets code. They also discussed the lack of trails proposed within this development, which are not required as this is a standard subdivision, not a PUD (Planned Unit Development). There are nearby trails but none that need connections through the subdivision.

Utility connections were discussed by the Planning Commission with concern expressed for accessing utilities up such a steep grade. The applicant stated that they, as well as City staff have addressed these concerns and utilities will be available to all lots within the proposed subdivision.

#### **Public Hearing:**

Connie Deianni opened the public hearing at 7:20 PM.

**Phil Hunter,** 1605 S. 200 E. Farmington, UT – Stated that he owns the property to the South of the development. He expressed excitement for the development because he has interest in building a residence on his adjacent property and would like to discuss options about joining in on the utilities and roads in the new development.

**Doug Allen** 951 S. Creekside, Farmington, UT - stated that he owns property near the proposed development. He expressed concern for apparent inconsistencies with water line access. The proposed road and the existing water line appear to be off about 120 feet. He also expressed that the water line was originally intended to be connected to 200 East, creating a system loop, which is not shown on this proposal.

**Connie Deianni** closed the public hearing at 7:35 PM.

**David Petersen** addressed the comments and letter received by resident Doug Allen regarding the water system. In approximately 2001, as Tuscany Cove Subdivision was being developed, a plan for the water tanks and correlating water line was designed. He showed the intended plan from the early 2000's using the plan map, which took quite a bit of work due to the steep grades in the area. At the time, a public hearing was conducted in Planning Commission.

**David Petersen** and the Planning Commission discussed the possible private street access, connecting the proposed subdivision to the existing adjacent property now owned by the Hunter family . A private street is an option when it does not conflict with the master plan for an area, and gets approval from the Planning Commission and City Council. In this case it may benefit both the developer and the Hunter family to incorporate the private street access with a fire turnaround where their parcels meet.

**Connie Deianni** invited Todd Strong to the podium and stated the Staff and Planning Commission's intent to table the item until he and the adjacent property owners discuss this private road access,

including who would assume the cost. **Todd Strong** agreed and stated that the parties would discuss immediately.

#### Motion:

Commissioner **Shawn Beus** motioned that the Planning Commission table the item to provide all parties of interest time to clarify details of the hammerhead street access and cost. **Greg Wall** seconded the motion, which was unanimously approved. The item was tabled to a time uncertain.

4. Andrew Hiller (Public Hearing) – Applicant is requesting a recommendation to rezone 5.18 acres of property from an A (Agriculture) to LR-F (Large Residential) zone, located at approximately 90 West 675 North. Additionally, the applicant is also requesting schematic subdivision plan and preliminary PUD master plan approval to develop 11 lots on the property. (Z-6-19 and S-6-19)

**Meagan Booth** presented the item. Staff recommends that the Planning Commission forward a positive recommendation to City Council for this application.

**Andrew Hiller** 1268 Adrienne Court, Farmington, UT stated that this property is special to him as a long time Farmington resident so he wanted to be involved when it developed. He desires to preserve some of the trees and stream on the property, creating bridges. He said he had tried unsuccessfully to contact all adjacent property owners, but has contacted and discussed this item with some of them.

**Amy Shumway** said that the application stated that the existing historic home on the property will be preserved and used as a clubhouse for the community. Since there is a tree growing out if it, she asked for clarification. **Andrew Hiller** stated that the house will be modified and fixed, but will remain on the property in some form if at all possible.

**Amy Shumway** stated that this PUD includes a private road, a possible clubhouse that needs work, and a lot of trees that need annual maintenance. These existing conditions would make an HOA fairly costly for residents. **Andrew Hiller** agreed and stated that potential buyers will be made aware of this but due to the great location and amenities, he believes it will be worth it.

#### **Public Hearing:**

Connie Deianni opened the public hearing at 8:40 PM

**Karen Davis**, 180 W. 600 N., Farmington, UT stated that there are wetland delineations in this area and she hasn't seen them addressed pertaining to this subdivision at all. Her house is not able to have a basement because when they were building, the foundation hole filled with water. She expressed concern about the existing aqueduct that has been a hazard multiple times as it sinks.

**Tom Owens**, 700 Rockmill Lane, stated that he is directly impacted by this development because he owns 2 acres nearby. He gave the city permission to build the road to the pond 20 years ago as an entrance to pond. This was part of a negotiation and recorded agreement. He has concerns about the Bradshaw property including Water Rights, the bridge, traffic, curb and gutter, etc. 20 years ago, the City Council assured him that the road would not be used to develop the Bradshaw property which is now

happening. Can't stop development but there could 20 year-old contracts to review before a decision is made.

**Lauren Nielson** 124 W. Oakridge Dr., Farmington, UT - expressed concern about the water issues on her street increasing with the development of this property. There is a 30-foot easement on her subdivision's plat that doesn't seem to line up correctly with the proposed development. Expressed concern that current residents who access the pond will be blocked unless an access is implemented on the subdivision plans.

**Buck Lozier** 908 W. 600 N. Farmington, UT — said the traffic on the bridge that goes over Farmington creek causes lights to shine into his home which concerns him because the problem would increase with more development. He stated that he has a green space right-of-way on his property that he is worried would be lost. He asked where people will be able to access the pond if the surrounding area develops. He asked if the bridge will be improved, as it only allows for single lane traffic at the moment. It will need work, which will disturb his property.

**Augusta Howell** 577 S. Grove Creek Lane, Farmington, UT - expressed concern about increased traffic as the traffic accessing Main Street is already too busy at certain times of day.

**Gary Daniels** 159 W. Oakridge Dr., Farmington UT - believes that there will need to be a light or intersection at the curve. He said that Andrew Hiller has been very good to contact him and show concern for his land, contrary to many other people's statements. He asked if the access really must be on Oakridge Drive, or can it be relocated. He stated that the Bradshaw's purchased property many years ago intending to develop with access at Oakridge and were denied by the City, so if now it apparently is being allowed to develop, it should be the Bradshaw' that get to do so.

**Louise Madsen**, 139 Oakridge Dr., Farmington, UT - said she has lived there for over 25 years and has used the access to the pond for many years. Many of her neighbors access the pond through the trail and would be impacted if the access were lost. She understands that people have the right to develop their property but feels that the water table needs to be considered. She stated that she has not been contacted by the developer which she would have liked because she has had a lot of questions about the water issues that have had to be worked through over the years. She said her sewer does not work very well anymore and has concern about adding more houses that will use sewer in the area.

**Sherry**, 192 W. 1100 N., Farmington, UT - said that the traffic coming off the hill onto Park Lane is too heavy and has no interest in seeing more traffic added at that access.

Connie Deianni closed the public hearing at 9:15 PM

**Andrew Hiller** addressed the water table issue, saying that a geotechnical survey was done on the property; digging holes to check water levels. The water table rises the further south you go on the property, so the land use options are not equal throughout the development. This will be factored in when homes are built. A dam safety study has also been performed. The County has earthquake proofed the dam. **David Petersen** said there are some seeps South of the subdivision but they are not within the subdivision boundaries.

**Andrew Hiller** said he feels for the concerned citizens whose lots would be affected by a change in pedestrian access to the pond or increased traffic through the trail, but that space is actually a City owned easement that exists to allow pipe access if necessary, so it is out of his hands to preserve.

**Connie Deianni** stated that a concern of the adjacent citizens seems to be how their water pressure will be effected by new development. **Greg Wall** asked if there is a requirement for a water network analysis in this case. **David Petersen** said that the city engineer has been contacted about this and said that the water pressure of a new subdivision downhill from the citizens who report current issues should not affect homes on Oakridge Drive. If they do experience lower water pressure, the City's water superintendent can do a study of the homes and the water lines in the street to see what is happening.

**Connie Deianni** asked Andrew to provide details over the intended bridge over the river. **Andrew Hiller** said that they will build a new, 2 lane bridge near where the existing bridge is. They did not want to expand the existing 1 lane bridge because they desire to save the trees around it. The existing bridge will instead be used as a walking path to access the trail system. The exiting bridge will be maintained by the HOA.

**Connie Deianni** asked if the 20-25-year-old contract mentioned by Tom Owens, stating that some land in question would remain undeveloped, was known to Andrew or David. **Andrew Hiller** stated that because it was a county road at the time, the contract would have been with Davis County. **David Petersen** said that he was unaware of such a contract but he could research it. **Roger Child** said that it was his understanding that a development agreement could have happened, but a verbal or written agreement of the mentioned sort would not be binding for a City Council to do.

**Greg Wall** said there have been a lot of comments from citizens concerning traffic and asked if a traffic study had been done in regards to the development. **David Petersen** said that a traffic study usually is not performed at this stage but further along in the review process the traffic engineer can perform a study and provide a recommendation. He stated that he doesn't see an 11 lot subdivision creating much impact.

**Connie Deianni** said that Mrs. Hill mentioned a 2018 Planning Commission meeting where a rezone for a property next to the development was discussed and denied. She asked if this request is similar to that one. **Roger Child** stated he was present at that meeting and that the two applications are not comparable because the application last year proposed a high-density condominium project that was counter to the Farmington City Master Plan. This application is single family homes and aligns much more closely with the master plan.

**Andrew Hiller** came to the stand and said that the dam safety has been a concern. He stated that Davis County performs a quarterly dam study that is available to the public. Recent dam studies have shown the dam to be very sturdy.

The Planning Commission discussed the FEMA floodplains, landscape preservation, public notices, and other matters pertaining to this application. The applicant has met City Code and performed many of the required studies on this development. More will be done as this application progresses to final review.

#### **MOTION:**

**Roger Child** motioned that the Planning Commission recommend the City Council approve the zoning map amendment of 5.18 acres located at 90 W. 675 N. from A (Agricultural) to LR-F (Large Residential), along with findings 1-2. **Roger Child** also motioned that the Planning Commission recommend the City Council approve the Schematic Plan and Preliminary PUD Master Plan for the Preserve at Farmington Creek, subject to all applicable Farmington City ordinances and development standards along with findings 1-5 and conditions 1-7, adding an 8<sup>th</sup> condition that the City conduct a search for any past agreements regarding the development of land in this area. Amy **Shumway seconded** the motion, which was unanimously approved.

#### Conditions:

- 1. The developer must follow all requirements of Chapter 30 Foothill Development Standards.
- 2. Public improvement drawings, including a grading and drainage plan, shall be reviewed and approved by the Farmington City Public Works, City Engineer, Storm Water Official, Fire Department, Central Davis Sewer District and Benchland Water.
- 3. The applicant shall provide a maintenance plan acceptable to the city for the common areas, internal private streets. the wood bridge etc.
- 4. Davis County must dedicate 90 west as a public right of way.
- 5. The applicant must obtain a Davis County Flood Control Permit which shall accommodate, among other things, long term maintenance of the dam and access.
- 6. Issues related to the FEMA flood plain shall be resolved prior to consideration of the final plat, which includes but is not limited to CLOMR (Conditional Letter of Map Revision) by FEMA, which must be submitted prior to an application for preliminary plat.
- 7. Any outstanding issues raised by the DRC shall be addressed by Preliminary Plat
- 8. The City must research the possibility of a 20-30-year-old agreement regarding the development of this area

#### **Findings for Approval:**

#### Rezone:

- 1. The proposed rezone is consistent with the General Plan.
- 2. The proposed rezone is consistent with the surrounding properties.

#### Subdivision:

- 1. The proposed subdivision is consistent with the General Plan.
- 2. The PUD preserves the unique and beautiful environmentally sensitive area next to Farmington Creek, and an existing historic building found on site.
- 3. The proposed Schematic Plan submittal is consistent with all necessary requirements as found in the City's Subdivision Ordinance.

- 4. Access will be Improved at this location
- 5. Schematic Plan approval enables Davis County to take the necessary steps as they consider the flood control permit for this application. Safety for Farmington Citizens, and the protection of personal property is a top priority for the city

5. Jerry Preston\Elite Craft Homes – Applicant is requesting Final Plat approval for the Creekside Manor Subdivision consisting of 8 lots on approximately 5.78 acres of property located at about 950 West 500 South in the AE (Agriculture Estates) zone. (S-23-18)

**David Petersen** introduced the item. The improvement drawings are nearly finished and staff recommends approval.

**Jerry Preston**, 177 N. Main St. Farmington, UT – said that FEMA has accepted the CLOMR and he is waiting to get the letter back. Davis County Flood Control should have their approval to him very soon.

**Shawn Beus** asked if the required street right-of way vacation and trail easement have been addressed. **David Petersen** said that they are on track and being addressed.

The Planning Commission discussed CLOMR, LOMR, trail easements, the bridge across the creek, the detention basin, and other aspects of this applications that are in process or have been completed.

#### **MOTION:**

**Shawn Beus** motioned that the planning commission approve the Final Plat for the Creekside Manor Conservation Subdivision, subject to all Farmington City ordinances and development standards, along with conditions 1-4 and findings for approval 1-4 adding a correction to finding #4; changing the developer HAS conveyed a trail easement, to the developer WILL convey a trail easement. **Roger Child** seconded the motion, which was unanimously approved.

#### Conditions:

- 1. The developer shall meet and satisfy the requirements of the City's DRC (Development Review Committee). The applicant continues to work with the City and other agencies to address any outstanding issues remaining with the Final Plat and improvement drawings before it is recorded.
- 2. The applicant must obtain a CLOMR (Conditional Letter of Map Revision) as a prelude to removing building areas of the lots from the FEMA flood plain. It must be reviewed by the City Engineer and Storm Water Official
- 3. The applicant must design a detention basin acceptable to the City Engineer.
- 4. The developer shall obtain a Flood Control Permit from the Davis County Public Works department. The development abuts Farmington Creek and as required by inter-local agreement, the City must require that the developer obtain a flood control permit. Furthermore, such permits increase safety and mitigate loss of property, especially during times of flooding, for owners and residents.

Farmington City Planning Commission July 18, 2019

#### **Findings for Approval:**

- 1. The final plat is consistent with the approved preliminary plat, schematic plan, the purposes of the AE zone, the City's General Plan, and the Master Transportation Plan (an element of the General Plan).
- 2. A portion of the subdivision is located within the FEMA floodplain, and by law, the City must follow FEMA standards.
- 3. A waiver of the required open space was approved by the City Council.
- 4. The developer will convey a trail easement acceptable to the City. The proposed portion of the Farmington Creek Trail is consistent with the City's Trails Master Plan.

#### Adjournment:

At 9:50 PM., ?? motioned to adjourn the meeting (the recording was cut off)

Connie Deianni

Planning Commission Chair



# Planning Commission Staff Report August 8, 2019

### **Item 3: Ace Athletics Academy Conditional Use**

Public Hearing: Yes
Application No.: C-6-19

Property Address: 874 Shirley Rae Drive General Plan Designation: A (Agriculture Zone)

Zoning Designation: DR –Development Restrictions , Very Low Density or Agricultural Open

Space

Area: 2.15 Acres

Number of Lots: 1

Property Owner: Scott Adamson

Request: Applicant is requesting a conditional use permit and site plan approval for a Tennis Facility.

#### **Background Information**

Scott Adamson is requesting conditional use and site plan approval for Ace Athletics Academy, a 20,400 square foot indoor tennis facility located on property (2.15 acres) at 874 S Shirley Rae Drive in the A Zone. Chapter 11-10-020 indicates Commercial outdoor recreation, minor (i.e., family reunion center, outdoor reception facilities, equestrian facilities, picnic grounds, tennis courts, etc.) are conditional uses in this zone. As part of the conditional use process the applicant is also proposing a private tennis school.

Regarding conditions related to conditional uses section, 11-8-070 of the zoning ordinance states, Conditions Attached: Appropriate conditions may be attached to any approval where, and to the extent that, the planning commission finds that the imposition of such conditions will directly mitigate or eliminate some impact created by the proposed use which violates the intent of this chapter and title. Accordingly, the commission may want to understand or explore impacts of the facility on neighboring residences.

#### **Suggested Motion:**

Move that the Planning Commission table consideration of the application to allow time for the applicant to meet site plan requirements by DRC, including, among other things:

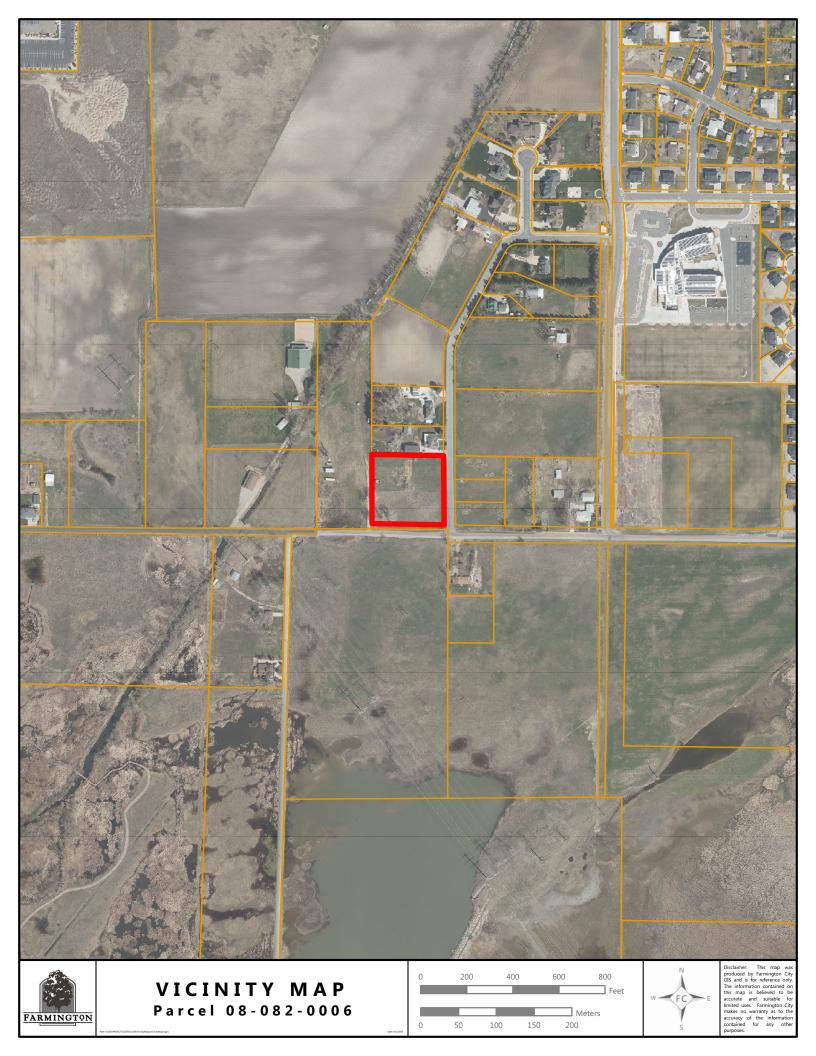
- Grading and construction on the site began prior to receiving conditional use approval from the Planning Commission and a building permit from the Building Department is required before continuing construction. [Note: A stop work order has been issued on the project by the City].
- 2. The applicant shall obtain a CLOMR and meet all other storm water requirements for adequate drainage on the site.
- 3. The applicant must obtain a recommendation from the City Engineer for an adjustment to the required offsite improvements. This must also be memorialized in an agreement with the City Attorney.
- 4. The road has been damaged. The applicant must repair the damaged road per the City Engineer.
- 5. Site development on agricultural lots shall conform to applicable requirements set forth in 11-7-070.

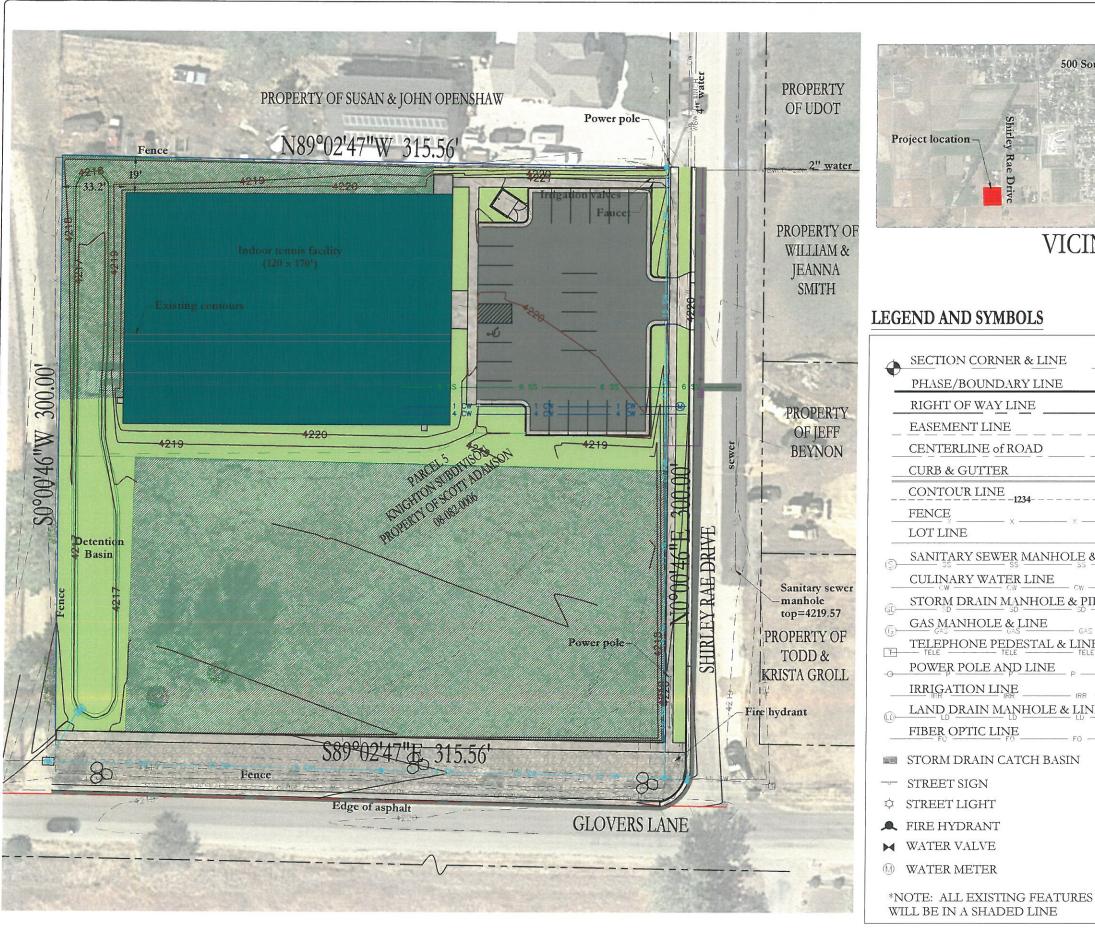
#### **Supplemental Information**

- 1. Vicinity Map
- 2. Site Plan
- 3. Section 11-8-050: Conditional Use Standards

#### **Applicable Ordinances**

- 1. Title 11, Chapter 10 Agricultural Zones
- 2. Title 11, Chapter 8 Conditional Uses



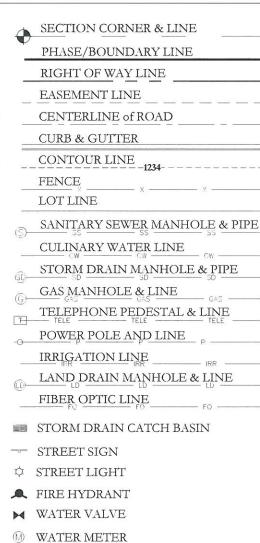


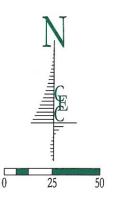


# VICINITY MAP

No Scale

### LEGEND AND SYMBOLS





S	HEET INDEX
1 OF 11	COVER SHEET
2 OF 11	NOTES
3 OF 11	DEMOLITION PLAN
4 OF 11	SITE PLAN
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6 OF 11	FARMINGTON CITY DETAILS
7 OF 11	FARMINGTON CITY DETAILS
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9 OF 11	DETAILS
10 OF 11	DETAILS
11 OF 11	DETAILS







DATE: MAY 2019 DRAWN: CHECKED: NSN

ACE ATHLETICS ACADEMY ACE ATHLETICS ACADEMY 874 S. SHIRLEY RAE DRIVE FARMINGTON CITY, UTAH COVER SHEET

CLIENT:

KELLY NIELSON PROJECT NUMBER: KN19001

FILE: ~kn19001 C3D.dwg SHEET:

1 of 11

# 11-8-050: CONDITIONAL USE STANDARDS: 11-8-050: C

Conditional use applications shall be reviewed in accordance with, and shall conform to, all of the following standards:

- A. Necessity: The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community;
- B. Compliance: The proposed use shall comply with the regulations and conditions in this title for such use;
- C. Comprehensive Plan: The proposed use shall conform to the goals, policies and governing principles of the comprehensive plan for Farmington City;
- D. Compatibility: The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing and proposed development;
- E. Adequate Improvements: Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and
- F. Use Not Detrimental: Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:
  - 1. If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
  - 2. If it will unreasonably interfere with the lawful use of surrounding property; or
  - 3. If it will create a need for essential municipal services which cannot be reasonably met. (Ord. 1991-27, 7-17-1991)



# Planning Commission Staff Report August 8, 2019

### **Item 4: Homer Sports Court Conditional Use**

Public Hearing: Yes
Application No.: C-10-19

Property Address: 564 Daniel Drive (450 West)

General Plan Designation: AG (Agricultural Preservation/Very Low Density)

Zoning Designation: A (Agriculture Zone)

Area: .44 Acres

Number of Lots: 1

Property Owner: Preston and Melissa Homer

Agent: Michael Lawson

Request: Applicant is requesting conditional use approval to deviate from the City's setback and fence standards to construct/install a sports court.

#### **Background Information**

Michael Lawson (Agent) and property owners, Preston and Melissa Homer are requesting conditional use approval to deviate from the City's setback and fence standards to construct/install a sports court, at 564 South Daniel Drive (450 West) in the AE (Agriculture Estates) Zone. The home is a corner lot which faces east. The driveway is slightly graded upwards from the street level which will make the fence appear taller from the street level. The applicant is requesting a front setback of 15 feet verses the required 30 feet from the front property line. The applicant is also requesting to install a retractable 8-foot fence. The fence will include 8-foot black metal poles with 8-foot retractable black netting whereas the ordinance requires 4 feet in the front yard.

Section 11-28-060 C if the Zoning Ordinance States:

C. Private Multipurpose Sports Courts: Private multipurpose sports courts, tennis courts or other similar playing surfaces, shall be set back at least five feet (5') from the rear and side property lines, fifteen feet (15') from the side corner property line, at least thirty feet (30') from the front property line, and shall be at least twenty feet (20') from any neighboring dwelling. Any deviation from the above setbacks or fence standards contained in this title shall require a conditional use permit (no fee shall be assessed for such application). No lighting may be installed in connection with the multipurpose sports court, tennis court or other similar playing surface which shall throw any direct rays beyond the property lines on which it is constructed. (Ord. 2011-10, 5-17-2011)

#### **Suggested Motion**

Move that the Planning Commission approve the conditional use permit subject to all applicable codes, development standards and ordinances, and with the following conditions:

- 1. Lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light to neighboring properties.
- 2. The netting shall be lowered to 4 feet when not in use to maintain overall streetscape aesthetics.
- 3. The New 7-foot-high fence may not continue past the front line of the home and must drop to 4 feet.

#### **Findings:**

- 1. The sports court will be setback 5 feet from the side property line and is twenty feet (20') from the neighboring dwelling.
- 2. The court netting will not adversely affect the safety of pedestrians or obstruct vehicular traffic.
- 3. The sports court will be placed in the side yard of the property which is abutting the rear yard of the neighboring property to the south.
- 4. The fence netting is retractable and will not be a permanent fencing device.

#### **Supplemental Information**

- 1. Title 11, Chapter 28, Section 140 Fences
- 2. Vicinity Map
- 3. Site Plan
- 4. Title 11, Chapter 8 Conditional Uses

#### **Applicable Ordinances**

- 1. Title 11, Chapter 28, Section 060 Location of Recreational Pools and Tennis Courts
- 2. Title 11, Chapter 28, Section 140 Fences
- 3. Title 11, Chapter 8 Conditional Uses

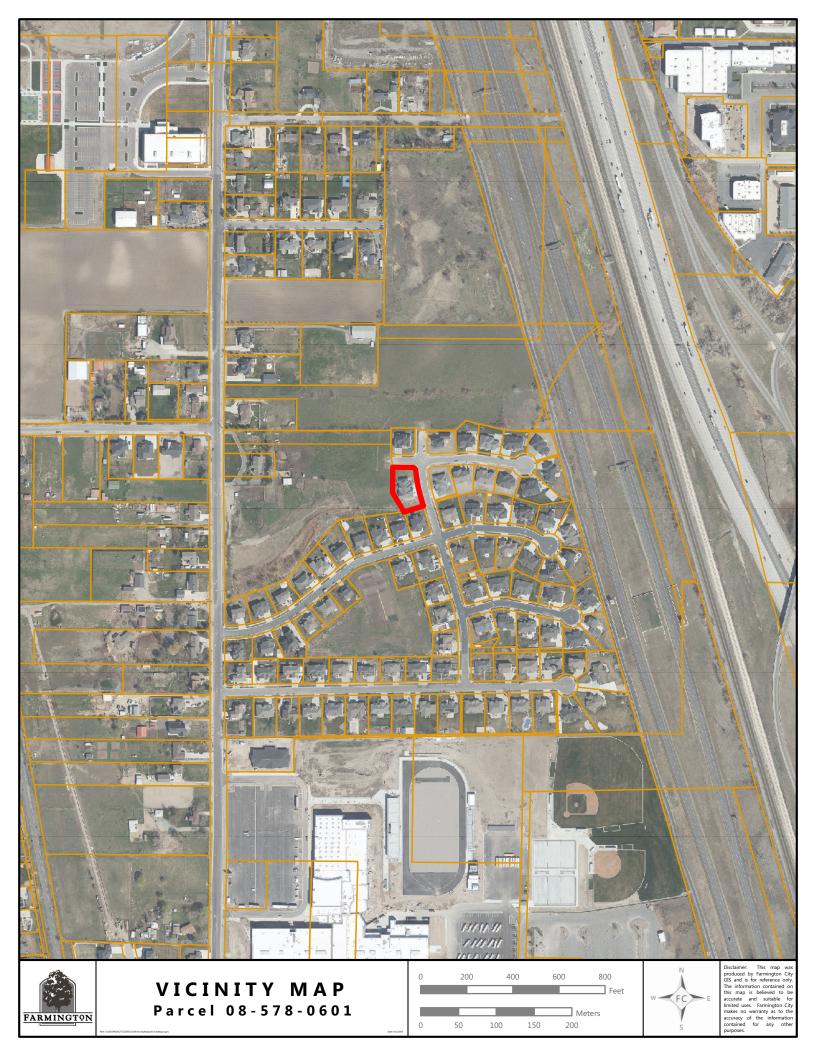
#### 11-28-140: FENCES

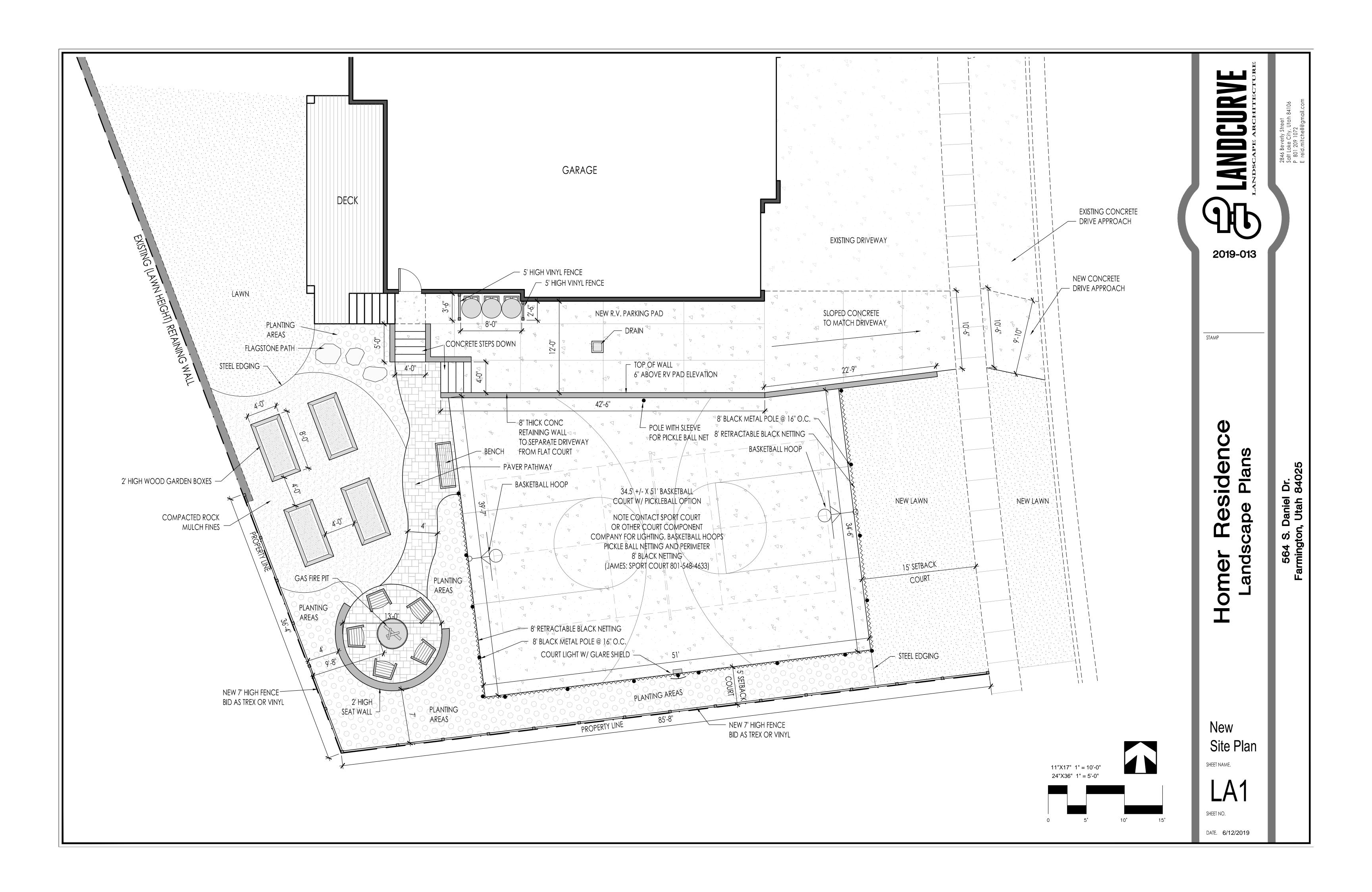
A. Side, Rear Yards: No fence, wall, hedge or similar device shall be constructed or placed in any required side or rear yard in a residential zone in excess of eight feet (8') in height. Where a retaining wall is reasonable and necessary and is located on a property line separating two (2) lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

B. Front Yard: No fence, wall, hedge or similar opaque device or open, mesh type fences (e.g., chainlink fences) shall be constructed in a required front yard of a residential zone in excess of four feet (4'). (Ord. 1997-26, 6-4-1997)

#### C. Side Corner Yard:

- 1. Maximum: The maximum height of a fence, wall, hedge or similar device constructed in the side corner yard of a corner lot in a residential zone shall be six feet (6') and shall not be constructed closer than eight feet (8') to the property line at the street frontage.
- 2. Modification: The zoning administrator may modify the requirement of the eight foot (8') setback or the four foot (4') front yard height limit where it can be demonstrated that the construction of a fence, wall, hedge or similar device closer to the property line at the street frontage, will not adversely affect the safety of pedestrians nor obstruct the view of or impact the safety of vehicular traffic or adversely affect adjacent properties. The zoning administrator, in his evaluation of the impact of the proposed fence, wall, hedge or similar device, shall consider location of driveways, adjacent sidewalks, street widths and rights of way, circulation visibility and overall streetscape aesthetics. (Ord. 2006-28, 4-19-2006)





# 11-8-050: CONDITIONAL USE STANDARDS: 11-8-050: C

Conditional use applications shall be reviewed in accordance with, and shall conform to, all of the following standards:

- A. Necessity: The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community;
- B. Compliance: The proposed use shall comply with the regulations and conditions in this title for such use;
- C. Comprehensive Plan: The proposed use shall conform to the goals, policies and governing principles of the comprehensive plan for Farmington City;
- D. Compatibility: The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing and proposed development;
- E. Adequate Improvements: Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and
- F. Use Not Detrimental: Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:
  - 1. If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
  - 2. If it will unreasonably interfere with the lawful use of surrounding property; or
  - 3. If it will create a need for essential municipal services which cannot be reasonably met. (Ord. 1991-27, 7-17-1991)